

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 13      NUMBER 205

Washington, Wednesday, October 20, 1948

## TITLE 3—THE PRESIDENT

### PROCLAMATION 2817

CLOSED AREA UNDER THE MIGRATORY BIRD  
TREATY ACT, MASSACHUSETTS

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and has submitted to me for approval the following regulation relating to migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

REGULATION DESIGNATING AS CLOSED AREA  
CERTAIN TIDAL WATERS IN THE VICINITY  
OF THE PARKER RIVER NATIONAL WILD-  
LIFE REFUGE, MASSACHUSETTS

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) and Reorganization Plan II (53 Stat. 1431) and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) I, William E. Warne, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area, effective October 29, 1948, in or on which pursuing, hunting, taking, capture, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in the towns of Ipswich, Newbury and Rowley, Essex County, Massachusetts, not now owned or controlled by the

United States within the following-described exterior boundary:

Beginning at corner No. 1, a point in the center of Stackyard Road (also known as Nelson Island Road), approximately 0.95 mile east of State Highway No. 1A in approximate latitude 42°44'33.0" N., longitude 70°50'20.8" W., from which an 8" cedar post set for a witness corner bears N. 78°39' E., 0.70 ch., distant.

From the initial point,  
Northeast, along the center of Stackyard Road with the meanders thereof, 8.85 chs., to the edge of marsh and upland;

Thence with three courses along the edge of the marsh and upland with the meanders thereof,

N. 0°37' E., 2.22 chs.,

S. 85°11' W., 1.60 chs.,

S. 65°01' W., 1.23 chs., at the edge of marsh and upland, in the center of an old road;

Thence with two courses along the center of an old road with the meanders thereof,

N. 24°38' W., 1.32 chs.,

N. 21°31' W., 4.16 chs., to the intersection of the center of the road with the center of Carleton Creek;

Thence Northeasterly down the center of Carleton Creek with the meanders thereof 13.98 chs., to the prolongation of the center line of a ditch;

Thence with three courses along the center line of ditches,

N. 29°21' W., 5.72 chs.,

N. 27°24' W., 3.49 chs., in the center of Sawyers Island Creek,

N. 44°41' W., 5.80 chs., at the northwesterly end of ditch and at edge of marsh and upland;

Thence N. 13°50' W., with edge of marsh and upland 0.627 ch., to the intersection of edge of marsh and upland with the center of Patmos Road (also known as Sawyers Island Road), a point from which a 3" x 3" cedar post set for a witness corner bears S. 22°54' E., 0.13 ch., distant;

Thence N. 41°39' E., with the center of Patmos Road, 1.60 chs., to the intersection of said road with the line between marsh and upland;

Thence with eleven courses along the edge of marsh and upland with the meanders thereof,

N. 89°36' E., 1.293 chs.,

N. 34°33' E., 3.83 chs.,

S. 85°14' E., 1.30 chs.,

N. 31°53' E., 3.40 chs.,

S. 65°31' E., 1.00 ch.,

N. 61°38' E., 1.54 chs.,

N. 86°12' E., 1.12 chs.,

S. 36°26' E., 1.818 chs.,

N. 40°20' E., 4.88 chs.,

N. 43°10' W., 2.163 chs.,

N. 22°17' E., 1.661 chs., at the edge of marsh and upland on the northeasterly point of Sawyers Island, a standard concrete post No. 51;

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

#### Now Available

### UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—\$1.00 a copy

Order from Superintendent of Documents,  
United States Government Printing Office,  
Washington 25, D. C.

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Thence N. 51°43' W., approximately 0.00 chs., to mean high water on the right or south bank of Great Creek (also known as Mud Creek);

Thence Westerly, with mean high water upstream and on the right or south bank of Great Creek approximately 90.00 chs., to the intersection of mean high water on the right or south bank of Great Creek with the prolongation of the center of the ditch situated on the left or north side of Great Creek; Thence N. 5°00' E., in part crossing Great Creek and in part up a ditch, approximately 1.50 chs.,

Thence with 12 courses along the center of ditches, with the meanders thereof, N. 22°53' E., 1.870 chs., N. 4°54' E., 5.310 chs., N. 50°02' W., 1.734 chs., N. 3°07' E., 3.110 chs., to the junction of ditches, N. 65°35' E., 7.48 chs.,

N. 57°33' E., 6.33 chs., to the intersection of ditches,  
S. 13°51' E., 1.943 chs., to the junction of ditches,  
S. 89°49' E., 3.080 chs.,  
S. 79°58' E., 1.332 chs.,  
S. 2°40' W., 0.519 chs., to the junction of ditches;

S. 89°08' E., 0.398 ch., to the junction of ditches;

N. 65°20' E., 5.23 chs., to the intersection of ditch with stone wall, at the edge of marsh and upland;

Thence with twelve courses along a stone wall with the meanders thereof,

N. 66°11' E., 2.906 chs.,  
S. 85°06' E., 1.440 chs.,

N. 35°34' E., 1.320 chs.,  
N. 71°49' E., 4.220 chs.,

N. 50°34' E., 1.631 chs.,  
S. 35°23' E., 0.339 chs.,

N. 64°22' E., 1.653 chs.,  
S. 27°41' E., 1.38 chs.

N. 70°03' E., 1.193 chs.,  
S. 27°37' E., 0.388 chs.,

N. 66°25' E., 9.13 chs.,  
N. 17°05' W., 2.529 chs., at the intersection of stone walls,

N. 17°43' W., 7.17 chs., to the center of Marsh Avenue;

Thence N. 1°08' E., with the center of Marsh Avenue, 4.10 chs., a point from which a standard concrete post No. 53 set for a witness corner bears N. 66°00' E., 0.12 ch., distant;

Thence N. 69°05' E., approximately 12.00 chs., to mean high water on the right or south bank of Parker River, about 41.00 chs., below the Parker River bridge in State Highway No. 1A;

Thence Southeasterly with mean high water down the right or south bank of Parker River with the meanders thereof, approximately 11.00 chs.,

Thence N. 19°17' E., crossing Parker River, approximately 11.00 chs., to mean high water on the left or north bank of Parker River;

Thence Northwesterly with mean high water up the left or north bank of Parker River with the meanders thereof, approximately 0.75 ch., to the mouth of a small ditch;

Thence with four courses along the center line of ditches with the meanders thereof,

N. 44°24' E., approximately 1.00 ch.,  
N. 19°17' E., 12.41 chs., the junction of ditches,

N. 75°18' W., 7.54 chs.,  
N. 73°24' E., 6.83 chs., to the junction of small ditches;

Thence N. 3°05' W., 7.68 chs., in the center of a ditch;

Thence with ten courses along the center line of ditches with the meanders thereof,

S. 81°53' W., 5.19 chs.,  
N. 84°33' W., 5.38 chs.,

N. 81°56' W., 4.40 chs., the junction of ditches,

N. 13°47' E., 2.371 chs., the junction of ditches,

S. 81°11' E., 1.600 chs., the intersection of ditches,

N. 13°21' E., 2.602 chs., the junction of ditches,

S. 88°21' E., 3.20 chs.,  
N. 84°21' E., 2.699 chs.,

N. 70°54' E., 0.822 ch.,  
N. 80°32' E., 5.33 chs., the junction of ditches;

Thence N. 3°19' W., along a ditch and a low stone wall 5.80 chs., the junction of ditches;

Thence S. 87°14' W., in part with a ditch and in part with a stone wall 4.75 chs., in the corner of stone walls;

Thence with three courses along a stone wall with the meanders thereof,

N. 0°04' E., 3.98 chs.,  
N. 15°45' E., 4.03 chs.,

N. 20°49' W., 0.203 ch., in the stone wall in the range of the center of a ditch bearing Easterly;

Thence N. 86°52' E., 2.383 chs., at the edge of marsh and upland in the range of the center of a ditch bearing Easterly;

Thence with 25 courses along the edge of marsh and upland with the meanders thereof,

N. 49°10' E., 0.768 ch.,  
N. 52°53' W., 1.474 chs.,

N. 23°06' E., 1.888 chs.,  
N. 72°31' W., 0.663 ch.,

S. 52°22' W., 2.772 chs.,  
N. 77°13' W., 3.67 chs.,

N. 16°36' W., 3.47 chs.,  
N. 49°08' E., 1.243 chs.,

S. 83°37' W., 3.84 chs.,  
S. 67°09' W., 3.62 chs.,

N. 68°20' W., 1.653 chs.,  
N. 0°55' W., 1.370 chs.,

N. 45°39' E., 5.160 chs.,  
N. 68°20' E., 1.685 chs.,

N. 33°01' E., 3.22 chs.,  
N. 4°25' W., 3.43 chs.,

N. 35°34' E., 2.067 chs.,  
N. 14°38' W., 0.673 ch.,

N. 21°39' E., 2.041 chs.,  
N. 68°17' E., 2.452 chs.,

N. 54°36' W., 1.50 chs.,  
N. 21°05' E., 2.630 chs.,

N. 62°45' E., 3.67 chs.,  
N. 8°58' W., 4.28 chs.,

N. 38°42' W., 1.083 chs., at the edge of the marsh and upland in the range of center of a ditch extended Southwesterly from the marsh;

Thence N. 48°17' E., in part with the center of a ditch 6.59 chs., in the center of a ditch;

Thence with two courses along the center of a ditch with the meanders thereof,

N. 51°41' E., 3.05 chs.,  
N. 58°16' E., 3.05 chs., at the junction of ditches;

Thence S. 72°43' E., approximately 16.00 chs., to mean high water on the left or north bank of Causeway Creek;

Thence Easterly with mean high water down the left or north bank of Causeway Creek, with the meanders thereof, approximately 18.00 chs., to mean high water on the left or west bank of Pine Island Creek (also known as Great Pine Island Creek);

Thence Northwesterly and Northeasterly with mean high water down the left or west bank of Pine Island Creek with the meanders thereof, approximately 18.00 chs., to the intersection of mean high water on the left or north bank of Pine Island Creek with the center of a ditch bearing Northerly;

Thence with seven courses along the center of the ditch with the meanders thereof,

N. 8°38' E., approximately 1.80 chs.,  
N. 1°38' E., 0.960 ch.,

N. 51°54' E., 0.507 ch.,  
N. 16°10' E., 0.406 ch.,

N. 19°49' W., 0.616 ch.,  
N. 5°53' E., 1.384 chs.,

N. 78°12' E., 0.274 ch., in the center of an east-west ditch;

Thence N. 9°48' W., in part along the center of a ditch 9.16 chs., to the center of a filled-in ditch;

Thence N. 81°40' E., 8.30 chs., to the junction of ditches;

Thence S. 85°11' E., in part with the center of a ditch 9.92 chs., the intersection of the center of a filled-in ditch with center of a creek;

Thence N. 55°34' E., approximately 29.50 chs., to mean high water on the right bank and near the mouth of Little Pine Island Creek;

Thence Northeastly crossing Little Pine Island Creek, approximately 3.70 chs., to mean high water at the mouth and on the left bank of Little Pine Island Creek;

Thence Northerly with mean high water upstream along the right or west bank of the most westerly channel of Plum Island River, with the meanders thereof approximately

30.00 chs., a point, from which a 4" x 4" cedar post set for a witness corner on the left or east bank of Plum Island River bears N. 61°25' E., approximately 3.80 chs., distant;

Thence N. 61°25' E., in part crossing Plum Island River and in part on Plum Island approximately 10.41 chs., a standard concrete post No. 57;

Thence S. 59°44' E., 21.51 chs., to mean low water line of the Atlantic Ocean and on the east side of Plum Island, a point from which a 1" iron pipe set for a witness corner bears N. 59°44' W., 5.40 chs., distant;

Thence Southeasterly along the mean low water line of the Atlantic Ocean on the east side of Plum Island with the meanders thereof 593.60 chs., to a point in the mean low water line of the Atlantic Ocean on the east side of Plum Island approximately 6.00 chs., Northwesterly of the southeast point of the island, from which a standard concrete post No. 58, set for a witness corner bears S. 83°02' W., 5.57 chs., distant;

Thence S. 83°02' W., on Plum Island 13.80 chs., to the edge of marsh and upland;

Thence with five courses along the edge of marsh and upland with the meanders thereof,

S. 47°53' W., 8.780 chs.,  
S. 36°18' W., 2.791 chs.,

N. 62°18' W., 8.72 chs.,  
N. 59°53' W., 14.810 chs.,

N. 70°33' E., 0.940 ch., in the center of ditch in the line between the marsh and upland;

Thence N. 38°44' W., with the center of a ditch, 12.95 chs., to the north end of the ditch in the edge of marsh and upland;

Thence with two courses along the edge of marsh and upland with the meanders thereof,

N. 14°56' W., 5.95 chs.,  
N. 15°54' E., 1.056 chs., at the intersection of marsh and upland with the southerly edge of Stage Island;

Thence Northwesterly in part with the southerly edge of Stage Island and in part with mean high water on the left or east bank of Plum Island Sound, approximately 27.60 chs., to the westerly edge of a pier;

Thence approximately N. 52°00' W., 50.00 chs., within Plum Island Sound to mean high water at the most southerly point on Middle Ground Island;

Thence Northwesterly with mean high water of Plum Island Sound along the southerly and westerly shores of Middle Ground Island, approximately 54.00 chs., to mean high water of Plum Island Sound at the most westerly point near the north end, on Middle Ground Island;

Thence N. 57° W., continuing in Plum Island Sound, approximately 38.00 chs., to mean high water at the southern end of Hog Island Point at the mouth and on the left bank of Rowley River;

Thence Northerly and Westerly in part with mean high water of Plum Island Sound and in part with mean high water on the right or south bank of Nelson Island Creek, with the meanders thereof approximately 80.00 chs., to a point at mean high water on the south or right bank of Nelson Island Creek, near the lower end of a small island;

Thence N. 89°43' W., approximately 35.50 chs.,

N. 36°23' W., 29.00 chs.,  
S. 78°23' W., 6.70 chs., to the Place of Beginning.

Because of the opening of the hunting season for migratory waterfowl in Massachusetts on October 29, 1943 and the need for protection of such birds in the area described herein, it is found that it is contrary to the public interest to issue this regulation subject to the

effective date limitation of section 4 (c) of the Administrative Procedure Act.

IN WITNESS WHEREOF I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 5th day of October 1948.

[SEAL] WILLIAM E. WARNE,  
*Acting Secretary of the Interior*

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of October in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,  
*Acting Secretary of State.*

[F. R. Doc. 48-9265; Filed, Oct. 18, 1948;  
12:56 p. m.]

## MILITARY ORDER OF OCTOBER 18, 1948

### REVOCATION OF MILITARY ORDER OF JULY 5, 1939

By virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, Military Order of July 5, 1939 (F. R. Doc. 39-2434, filed July 6, 1939, 4 F. R. 2786), is hereby revoked effective upon the date of this order.

HARRY S. TRUMAN,  
*Commander-in-Chief.*

THE WHITE HOUSE,  
October 18, 1948.

[F. R. Doc. 48-9300; Filed, Oct. 19, 1948;  
10:28 a. m.]

## RULES AND REGULATIONS

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter V—Production and Marketing Administration (Diversion Programs)

##### PART 504—GENERAL VEGETABLE PURCHASE PROGRAM

###### SNAP BEANS

§ 504.102 *Snap beans.* In order to encourage the domestic consumption of snap beans by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, snap beans will be purchased during the fiscal period ending June 30, 1949, in instances where surpluses exist or appear to be developing, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Generally, purchases will be made only in areas where acreage has not been unduly expanded without regard to available facilities and outlets. Purchases will be made at such price levels as are necessary to carry out the price policy of Congress set forth in section 4 (b) of the act of July 1, 1941 (55 Stat. 498) and section 1 (d) of the Agricultural Act of 1948 (Pub. Law 897, 80th Cong.) Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued to cover particular purchase operations. Information as to such purchase operations may be obtained by writing to the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C. (Sec. 32, 49 Stat. 774, sec. 4 (b) 55 Stat. 498, as amended; sec. 1 (d) Pub. Law 897, 80th Cong.) 7 U. S. C. 612 c, 15 U. S. C. 713-8 (b))

Dated this 14th day of October 1948.

[SEAL] RALPH S. TRIGG,  
*Administrator Production and Marketing Administration.*

[F. R. Doc. 48-9233; Filed, Oct. 19, 1948;  
8:56 a. m.]

### TITLE 7—AGRICULTURE

#### Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Bulletin NSCP—1301]

##### PART 706—NAVAL STORES CONSERVATION PROGRAM

###### SUBPART G—1949

Payments will be made for participation in the 1949 Naval Stores Conservation Program (hereinafter referred to as "this program") in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Payments are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides for payment for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1946 season.

###### Sec.

- 706.1 General provisions.
- 706.2 Conservation practices and rates of payment.
- 706.3 General provisions relating to payments.
- 706.4 Total payments limited.
- 706.5 Application for payment.
- 706.6 Appeals.
- 706.7 Definitions.
- 706.8 Authority and availability of funds, and applicability.
- 706.9 Administration.

AUTHORITY: §§ 706.1 to 706.9 issued under secs. 7-17, 49 Stat. 1148, as amended, 52 Stat. 746, 62 Stat. 507, 1247; 16 U. S. C. 590g-590q.

§ 706.1 *General provisions*—(a) *Loan and purchase programs.* Producers who participate in this program including those producers operating within the public domain (see § 706.8 (c)) will meet the conservation requirements of any loan or purchase programs which may be set up for producers during 1949.

(b) *Required performance.* Each participating producer shall, on every tur-

peting farm owned or operated by him during the 1949 turpentine season, carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1946, 1947, 1948, and 1949 seasons, unless the Forest Service approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific drifts or tracts of the turpentine farm, no payment will be made for any faces in such drifts or tracts.

(c) *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by: (1) Giving them free access to his turpentine farm or farms, (2) counting all faces and keeping written records thereof separately by tracts and drifts, (3) furnishing court records and satisfactory evidence of control of faces to the local inspector when requested, (4) furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested, (5) furnishing competent labor to assist the local inspector in counting faces, (6) submitting an application for payment (Form NSCP-1303) and other prescribed forms, (7) notifying the Forest Service promptly of any change in ownership or control, and (8) otherwise facilitating the work of the inspector in checking compliance with the terms and conditions of this program.

(d) *Fire protection.* Each producer shall cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following good forest fire protection on his turpentine farm.

§ 706.2 *Conservation practices and rates of payment.* No tract or drift can qualify for more than one conservation practice. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

(a) *Cupping only trees 9 inches or over d. b. h., 2¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

**Performance:** Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h., and only one face on trees less than 14 inches d. b. h., provided that the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forestry conservation practice. If faces have been installed contrary to these performance requirements, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(b) *Continuation of working faces on trees 9 inches or over d. b. h. 1/2¢ per face.* Payment for this practice is limited to tracts or drifts having faces installed during the 1946, 1947, and 1948 seasons, together with any new faces that may have been installed within such tracts or drifts during the 1949 season.

**Performance:** With the exception of back faces on trees having a worked-out face, the only faces that may be continued as working faces are those on trees which are at least 9 inches d. b. h., and not more than any one face may be continued on any tree which is less than 14 inches d. b. h. *Provided, however* That faces installed during or after the 1946 season which do not meet the above requirements, but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1949. If faces have been installed contrary to the requirements, the cups and tins on such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(c) *Cupping only trees 11 inches or over d. b. h., 4¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

**Performance:** Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h. *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved

by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forestry conservation practice. If, upon inspection, it is found that these requirements are not met, the producer may qualify for payment under the practice specified in paragraph (a) of this section. No continuation payment will be made until 1950 when the 1949 virgin, which was installed under this practice, will be considered for qualification. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(d) *Selective cupping; cupping only trees to be removed in timber stand improvement; 5¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

**Performance:** Trees on which faces are installed shall be selected in a manner that will result in leaving well distributed over the area at least as many round trees 9 inches or more d. b. h. uncupped as are cupped. The working area shall have a minimum of 25 uncupped round trees per acre which are 9 inches or more d. b. h. Under both of these conditions the cupped trees may be of any size. When these requirements are not met, the area will be considered for qualification under one of the diameter cupping practices as specified in paragraph (a) or paragraph (c) of this section. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(e) *Continuation of practice under (d) on selected trees; 2¢ per face.* Payment for this practice is limited to those tracts or drifts which qualified for the selective cupping practice in the 1946, 1947, or 1948 programs, or the restricted cupping practice in the 1946 program.

**Performance:** No new faces shall be installed on round trees in these tracts or drifts. If, however, new faces have been installed on round trees, the entire drift or tract will be considered for qualification under the provisions of paragraph (b) of this section. There may be withheld, or required to be refunded, 4¢ per face for each such working face in the tracts or drifts in which such installation occurs. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(f) *Pilot plant tests; 5¢ or 8¢ per face.* Payment under this practice will be limited to a small number of producers who are selected by the Forest Service to conduct controlled experiments in chemical stimulation. The 5¢ per face payment will apply to faces installed in accordance with the provisions of paragraph

(a) of this section. The 8¢ per face payment will apply to faces installed in accordance with the provisions of paragraph (c) or paragraph (d) of this section.

**Performance:** The experiments are to be carried out in accordance with provisions prescribed by the Forest Service.

§ 706.3 *General provisions relating to payments—(a) Increase in small payments.* The total payment computed for any producer with respect to his turpentine farm shall be increased as follows: (1) Any payment amounting to 71 cents or less shall be increased to \$1.00; (2) any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent; (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.40
\$22.00 to \$22.99	8.80
\$23.00 to \$23.99	9.20
\$24.00 to \$24.99	9.60
\$25.00 to \$25.99	10.00
\$26.00 to \$26.99	10.40
\$27.00 to \$27.99	10.80
\$28.00 to \$28.99	11.20
\$29.00 to \$29.99	11.60
\$30.00 to \$30.99	12.00
\$31.00 to \$31.99	12.40
\$32.00 to \$32.99	12.80
\$33.00 to \$33.99	13.20
\$34.00 to \$34.99	13.60
\$35.00 to \$35.99	14.00
\$36.00 to \$36.99	14.40
\$37.00 to \$37.99	14.80
\$38.00 to \$38.99	15.20
\$39.00 to \$39.99	15.60
\$40.00 to \$40.99	16.00
\$41.00 to \$41.99	16.40
\$42.00 to \$42.99	16.80
\$43.00 to \$43.99	17.20
\$44.00 to \$44.99	17.60
\$45.00 to \$45.99	18.00
\$46.00 to \$46.99	18.40
\$47.00 to \$47.99	18.80
\$48.00 to \$48.99	19.20
\$49.00 to \$49.99	19.60
\$50.00 to \$50.99	20.00
\$51.00 to \$51.99	20.40
\$52.00 to \$52.99	20.80
\$53.00 to \$53.99	21.20
\$54.00 to \$54.99	21.60
\$55.00 to \$55.99	22.00
\$56.00 to \$56.99	22.40
\$57.00 to \$57.99	22.80
\$58.00 to \$58.99	23.20
\$59.00 to \$59.99	23.60
\$60.00 to \$60.99	24.00
\$61.00 to \$61.99	24.40
\$62.00 to \$62.99	24.80
\$63.00 to \$63.99	25.20
\$64.00 to \$64.99	25.60
\$65.00 to \$65.99	26.00
\$66.00 to \$66.99	26.40
\$67.00 to \$67.99	26.80
\$68.00 to \$68.99	27.20
\$69.00 to \$69.99	27.60
\$70.00 to \$70.99	28.00
\$71.00 to \$71.99	28.40
\$72.00 to \$72.99	28.80
\$73.00 to \$73.99	29.20
\$74.00 to \$74.99	29.60
\$75.00 to \$75.99	30.00
\$76.00 to \$76.99	30.40
\$77.00 to \$77.99	30.80
\$78.00 to \$78.99	31.20
\$79.00 to \$79.99	31.60
\$80.00 to \$80.99	32.00
\$81.00 to \$81.99	32.40
\$82.00 to \$82.99	32.80
\$83.00 to \$83.99	33.20
\$84.00 to \$84.99	33.60
\$85.00 to \$85.99	34.00
\$86.00 to \$86.99	34.40
\$87.00 to \$87.99	34.80
\$88.00 to \$88.99	35.20
\$89.00 to \$89.99	35.60
\$90.00 to \$90.99	36.00
\$91.00 to \$91.99	36.40
\$92.00 to \$92.99	36.80
\$93.00 to \$93.99	37.20
\$94.00 to \$94.99	37.60
\$95.00 to \$95.99	38.00
\$96.00 to \$96.99	38.40
\$97.00 to \$97.99	38.80
\$98.00 to \$98.99	39.20
\$99.00 to \$99.99	39.60
\$100.00 to \$100.99	40.00
\$101.00 to \$101.99	40.40
\$102.00 to \$102.99	40.80
\$103.00 to \$103.99	41.20
\$104.00 to \$104.99	41.60
\$105.00 to \$105.99	42.00
\$106.00 to \$106.99	42.40
\$107.00 to \$107.99	42.80
\$108.00 to \$108.99	43.20
\$109.00 to \$109.99	43.60
\$110.00 to \$110.99	44.00
\$111.00 to \$111.99	44.40
\$112.00 to \$112.99	44.80
\$113.00 to \$113.99	45.20
\$114.00 to \$114.99	45.60
\$115.00 to \$115.99	46.00
\$116.00 to \$116.99	46.40
\$117.00 to \$117.99	46.80
\$118.00 to \$118.99	47.20
\$119.00 to \$119.99	47.60
\$120.00 to \$120.99	48.00
\$121.00 to \$121.99	48.40
\$122.00 to \$122.99	48.80
\$123.00 to \$123.99	49.20
\$124.00 to \$124.99	49.60
\$125.00 to \$125.99	50.00
\$126.00 to \$126.99	50.40
\$127.00 to \$127.99	50.80
\$128.00 to \$128.99	51.20
\$129.00 to \$129.99	51.60
\$130.00 to \$130.99	52.00
\$131.00 to \$131.99	52.40
\$132.00 to \$132.99	52.80
\$133.00 to \$133.99	53.20
\$134.00 to \$134.99	53.60
\$135.00 to \$135.99	54.00
\$136.00 to \$136.99	54.40
\$137.00 to \$137.99	54.80
\$138.00 to \$138.99	55.20
\$139.00 to \$139.99	55.60
\$140.00 to \$140.99	56.00
\$141.00 to \$141.99	56.40
\$142.00 to \$142.99	56.80
\$143.00 to \$143.99	57.20
\$144.00 to \$144.99	57.60
\$145.00 to \$145.99	58.00
\$146.00 to \$146.99	58.40
\$147.00 to \$147.99	58.80
\$148.00 to \$148.99	59.20
\$149.00 to \$149.99	59.60
\$150.00 to \$150.99	60.00
\$151.00 to \$151.99	60.40
\$152.00 to \$152.99	60.80
\$153.00 to \$153.99	61.20
\$154.00 to \$154.99	61.60
\$155.00 to \$155.99	62.00
\$156.00 to \$156.99	62.40
\$157.00 to \$157.99	62.80
\$158.00 to \$158.99	63.20
\$159.00 to \$159.99	63.60
\$160.00 to \$160.99	64.00
\$161.00 to \$161.99	64.40
\$162.00 to \$162.99	64.80
\$163.00 to \$163.99	65.20
\$164.00 to \$164.99	65.60
\$165.00 to \$165.99	66.00
\$166.00 to \$166.99	66.40
\$167.00 to \$167.99	66.80
\$168.00 to \$168.99	67.20
\$169.00 to \$169.99	67.60
\$170.00 to \$170.99	68.00
\$171.00 to \$171.99	68.40
\$172.00 to \$172.99	68.80
\$173.00 to \$173.99	69.20
\$174.00 to \$174.99	69.60
\$175.00 to \$175.99	70.00
\$176.00 to \$176.99	70.40
\$177.00 to \$177.99	70.80
\$178.00 to \$178.99	71.20
\$179.00 to \$179.99	71.60
\$180.00 to \$180.99	72.00
\$181.00 to \$181.99	72.40
\$182.00 to \$182.99	72.80
\$183.00 to \$183.99	73.20
\$184.00 to \$184.99	73.60
\$185.00 to \$185.99	74.00
\$186.00 to \$186.99	74.40
\$187.00 to \$187.99	74.80
\$188.00 to \$188.99	75.20
\$189.00 to \$189.99	75.60
\$190.00 to \$190.99	76.00
\$191.00 to \$191.99	76.40
\$192.00 to \$192.99	76.80
\$193.00 to \$193.99	77.20
\$194.00 to \$194.99	77.60
\$195.00 to \$195.99	78.00
\$196.00 to \$196.99	78.40
\$197.00 to \$197.99	78.80
\$198.00 to \$198.99	79.20
\$199.00 to \$199.99	79.60
\$200.00 and over	(*)



(b) *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to, the following:

(1) The cutting contrary to good forestry practice of turpentine trees in drifts or tracts (including current non-working areas) on which conservation payments have been or would be made under this or the 1946, 1947, or 1948 programs. There may be withheld or required to be refunded 3¢ per face for each face that was worked in 1946, 1947, or 1948 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practices:

Round or scarred turpentine trees should only be cut for thinnings or higher economic use. When such trees are cut for thinnings at least 150 trees per acre of approximately the same size as the trees which are cut should be left uncut and undamaged and well distributed over the cutting area.

When an area contains less than 150 round or scarred turpentine trees per acre which are 8 feet or more in height, at least six thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged.

When round or scarred trees are cut for higher economic use, such as high-quality timbers, poles, or piling, at least six thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged.

(2) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of the payment earned on the drifts or tracts in which such improper burning occurs.

(3) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1945 turpentine season. There may be withheld or required to be refunded, 2¢ per face for each such working face in the tracts or drifts in which such installation occurs.

(c) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law without deduction of claims for advances (except as provided in paragraph (d) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (12 F. R. 1187)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(d) *Assignments.* Any producer who may be entitled to any payment in connection with this program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1949. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with the applicable instructions (ACP-70) witnessed, however, by an inspector or the program supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

(e) *Death, incompetency, or disappearance of producer.* In case of death, incompetency or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended. (5 F. R. 2875; 6 F. R. 1647, 4430; 9 F. R. 12237)

§ 706.4 *Total payments limited—(a) Payments limited to \$750.* The total of all payments made in connection with the 1949 Naval Stores Conservation Program and the 1949 Agricultural Conservation Program to any producer participating in said program(s) shall not exceed the sum of \$750.00.

(b) *Evasion.* All or any part of any payment which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

§ 706.5 *Application for payment—(a) Persons eligible to file applications.* An application for payment may be filed by any producer who is working faces for the production of gum naval stores, during the 1949 turpentine season, which were installed during or after the 1946 season. If one producer conducts the operation of a turpentine farm during a portion of the 1949 turpentine season and another producer conducts the operation of the turpentine farm during the remainder of the season, the producer who completes the conservation practices shall file the application.

(b) *Time and manner of filing applications and information required.* Payments will be made only when a report of performance is submitted on or before January 15, 1950, on the prescribed form (NSCP-1303) to the Forest Service. Payment may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.6 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the regional forester in writing to review the recommendation or determination of the program supervisor in any matter affecting the right to or the amount of payment with respect to the producer's turpentine farm. The regional forester shall notify the producer of his decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the de-

cision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the American Turpentine Farmers Association Cooperative, Valdosta, Georgia, in writing to appoint a committee of fellow producers to review the case. If the committee does not concur with the decision of the regional forester, the producer may request the Chief of the Forest Service to review the case and render his decision, which shall be final.

§ 706.7 *Definitions—(a) Gum naval stores.* Crude gum (oleoresin) gum turpentine and gum rosin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (*Pinus palustris*) or slash pine (*Pinus caribaea*)

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, hereinafter referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer, on which turpentine trees are growing and which are not being currently worked for gum naval stores, hereinafter referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Crop.* 10,000 faces.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin) hereinafter referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

§ 706.8 *Authority and availability of funds, and applicability—(a) Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclu-

sive, of the Soil Conservation and Domestic Allotment Act, as amended.

(b) *Availability of funds.* The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in this program.

The funds provided for this program will not be available for the payment of applications filed after December 31, 1950.

(c) *Applicability.* The provisions of this program are not applicable to any turpentine operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

This program is applicable to turpentine farms on lands owned by a State or a political subdivision or agency thereof, or owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers' Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, Federal Land Banks, Production Credit Associations, or the Departments comprising the National Military Establishment, shall be considered eligible unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

§ 706.9 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions, and forms (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942), and to make such determinations as may be required to administer this program, pursuant to the provisions of this bulletin; and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia. The procedural requirements of this bulletin, such for example as those relating to notice of proposed action and consent thereto, may be waived by the Forest Service when in its judgment such waiver does not otherwise materially affect compliance with pro-

gram practices. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Inspector of the Forest Service.

NOTE: The record keeping and reporting requirements in this bulletin have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued at Washington, D. C., this 14th day of October 1948.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 48-9216; Filed, Oct. 19, 1948; 8:47 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

### PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

#### DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT FOR 1948-49 FISCAL PERIOD

The North Central Potato Committee, established under Marketing Order No. 60 (7 CFR Cum. Supp. 960.2 et seq., 7 F. R. 370) regulating the handling of Irish Potatoes grown in Michigan, Wisconsin, Minnesota, and North Dakota is the agency authorized to administer the terms thereof, among which the provisions of § 960.12 authorize said committee to incur such expenses and collect such assessments as the Secretary finds may be necessary. Said committee has presented a proposed budget of expenses and a proposed rate of assessment for the current fiscal period ending June 30, 1949. After considering all relevant matters, including the proposed budget of expenses and the proposed rate of assessment submitted by said committee, it is hereby found and determined that:

§ 960.202 *Budget of expenses and rate of assessment—(a) Budget.* The expenses necessary to be incurred by the North Central Potato Committee, established pursuant to the aforesaid marketing order, to enable such committee to perform its functions pursuant to provisions of the aforesaid marketing order and regulations duly issued thereunder during the fiscal period ending June 30, 1949, will amount to \$42,000.

(b) *Assessment rate.* The rate of assessment to be paid by each handler who first handles potatoes shall be \$1.00 per railroad car or per truck load of more than 20,000 lbs., and 50 cents per truck load of 20,000 lbs. or less, of potatoes shipped by him as the first handler thereof during such fiscal period, except for shipments specifically exempt therefrom by § 960.12 (b) of Order No. 60, and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this order

until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because:

(a) Harvesting and shipping of potatoes grown in the production area covered by Order No. 60 have already begun;

(b) Regulations limiting shipments from the production area are now in effect and the North Central Potato Committee is incurring expenses incidental to administration of such regulations;

(c) Itinerant truckers handle potatoes grown in the production area included under Order No. 60;

(d) In order for assessments to be collected, especially from those handlers, such as itinerant truckers, who do not have a definite or an established place of business within the production area, it is essential that the assessment rate be fixed immediately so as to enable the committee to perform its duties and functions under said marketing order;

(e) Pursuant to the requirements of the aforesaid marketing order, the assessment rate is applicable to all potatoes, except as otherwise provided in § 960.12 of said marketing order, handled by first handlers during the aforesaid fiscal period; and

(f) Compliance with the requirements of this section will not require any special preparation on the part of handlers.

Terms used in this section shall have the same meaning as is given to such terms in §§ 960.2 to 960.21, in Order No. 60.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq., 7 CFR Cum Supp. 960.2 et seq., 7 F. R. 370)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 48-9217; Filed, Oct. 19, 1948; 8:48 a. m.]

### PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

#### PACK SPECIFICATIONS AND MINIMUM STANDARDS; AND INFORMATION TO BE CONTAINED IN CERTIFICATES

Pursuant to the requirements in section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237) approved June 11, 1946, notice of proposed pack specifications and minimum standards, and information to be contained in certificates, with respect to merchantable unshelled walnuts, as formulated by the Walnut Control Board (the administrative agency for operations under this regulatory program) in accordance with the authority vested in it by § 984.3 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, was published in the FEDERAL REGISTER (13 F. R. 6572) issue of September 24, 1948. In said notice, opportunity was afforded interested parties to submit to the aforementioned Walnut Control Board at 213

Wholesale Terminal Building, Los Angeles 21, California, written data, views, or arguments pertaining thereto for consideration by such Board prior to the final issuance of such regulations. After consideration of all relevant matters, it is hereby ordered by said Walnut Control Board, acting pursuant to the aforementioned authority, that such pack specifications and minimum standards, and information to be contained in certificates, with respect to merchantable unshelled walnuts shall be as follows:

§ 984.101 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of quality and maturity*—(a) *Size grade specifications*—(1) *Mammoth Size*. Walnuts of which not over 12 percent by count pass through a round opening  $\frac{9}{16}$  inches in diameter

(2) *Jumbo Size*. Walnuts of which not over 12 percent by count pass through a round opening  $\frac{8}{16}$  inches in diameter;

(3) *Large Size*. Walnuts of which not over 12 percent by count pass through a round opening  $\frac{7}{16}$  inches in diameter;

(4) *Medium Size*. Walnuts of which at least 88 percent by count pass through a round opening  $\frac{7}{16}$  inches in diameter and of which not over 12 percent by count pass through a round  $\frac{7}{16}$  inches in diameter;

(5) *Number 1 Size*. Walnuts of which not over 12 percent by count pass through a round opening  $\frac{7}{16}$  inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of "Baby Size"

(6) *Baby Size*. Walnuts of which at least 88 percent by count pass through a round opening  $\frac{7}{16}$  inches in diameter and of which not over 10 percent by count pass through a round opening  $\frac{6}{16}$  inch in diameter.

(b) *External appearance and condition*—(1) *Specifications and tolerances*. Merchantable walnuts must be free of excessively dirty nuts, nuts affected by adhering hulls, dark spots, and nuts having perforated or broken or split shells, except that the following tolerances (by count) shall be permitted within the packs specified:

(i) *First Quality Grade*. 10 percent for splits and an additional 5 percent for defects other than splits;

(ii) *Second and Third Quality Grades*. 10 percent for splits and an additional 10 percent for defects other than splits;

(iii) *External defects*. In determining the percentage of externally defective walnuts in a lot, all walnuts affected as follows shall be considered as not free from defects:

(a) *Excessively dirty nuts*. Walnuts with shells coated or caked with adhering dirt or other foreign matter so as to seriously damage the appearance. Walnuts with slightly chalky deposits on the shells shall not be considered excessively dirty.

(b) *Adhering hull*. Walnuts the shells of which have adhering to them any portion of the hull;

(c) *Dark spots*. Discoloration or stains contrasting with the color of the

remainder of the shell which result in unclean or unsightly appearance or render a given pack of walnuts unattractive;

(d) *Perforated shells*. Walnuts with improperly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall, if an area of surface aggregating more than three-eighths of an inch in diameter is affected;

(e) *Broken shells*. Walnuts with any material portion of the shell missing or with the halves completely broken apart or separated;

(f) *Split shells or splits*. Walnuts with the shell halves completely separated but held together by the kernel.

(c) *Internal or kernel quality*—(1) *Quality grade specifications and tolerances*. The quality grade of any lot of walnuts, within the limits of tolerances specified for external appearance and condition, shall be the highest quality grade to which such lot is eligible under the following specifications: Within a 5 percent tolerance, no quality grade shall be given any lot of walnuts unless the kernels are well dried (firm and crisp). A kernel, as referred to herein, means all of the non-fibrous content of one individual walnut, i. e., two halves, four quarters, etc.

The color chart referred to in these specifications as the WCB color chart is the chart adopted June 15, 1944 by the then Program Committee, War Food Order 82, and is available for inspection at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California.

(i) *First Quality Grade Walnuts*. First Quality Grade Walnuts shall contain not less than 90 percent (by count) of nuts the kernels of which are free from defects, except that not less than 95 percent (by count) shall be free from insect damage. At least 50 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light". In determining the percentage of sound kernels in a lot of walnuts for qualification as of "First Quality Grade", all walnuts the kernels of which show the following defects shall not be considered as sound:

(a) *Insect damage*. Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(b) *Moldy kernels*. Kernels showing on their surface mold readily discernible to the eye, except that kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy.

(c) *Shriveled kernels*. Kernels which are noticeably shrunk, leathery or tough as distinguished from kernels which are fully developed. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunk and scored as unsound. Kernels which are thin in cross section but which otherwise are normally developed shall not be considered shriveled: *Provided*, That with respect to walnuts produced in the States of Oregon and Washington, kernels shriveled one-eighth or more but less than

one-half shall be scored one-half sound. However, in any 100 nuts not more than 10 such nuts may be combined to make 5 percent sound; each additional such nut shall count as 1 percent defective;

(d) *Blanks*. Walnuts with kernels so shrunk or improperly matured as to be inedible or worthless;

(e) *Rancid kernels*. Kernels which have a decomposed appearance or a rancid taste;

(f) *Black kernels*. Kernels as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(ii) *Second Quality Grade Walnuts*. Second Quality Grade Walnuts shall contain not less than 86 percent (by count) of kernels practically free from defects, except that 90 percent of the kernels shall meet the minimum specifications established herein for "Third Quality Grade". At least 30 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light".

In determining the percentage of sound kernels in a lot of walnuts for qualification as of "Second Quality Grade", all walnuts showing the defects described under "First Quality Grade" shall not be considered as sound, except that:

(a) *Partially moldy kernels*. Kernels affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel shall be classed as sound;

(b) *Shriveled kernels*. The provisions under "First Quality Grade" for scoring shriveled kernels in walnuts produced in the States of Oregon and Washington shall apply to California walnuts in scoring for shriveling under "Second Quality Grade".

(iii) *Third Quality Grade Walnuts*. Third Quality Grade Walnuts shall contain not less than 90 percent (by count) of passable kernels. In determining the percentage of passable kernels in a lot of walnuts, all walnuts, the kernels of which show the following defects, shall not be considered passable;

(a) *Insect damage*. Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(b) *Moldy kernels*. Kernels on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel;

(c) *Shriveled kernels*. Kernels which are edible but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound, that is, two such kernels shall be counted as one sound and one defective kernel;

(d) *Blanks*. Walnuts with kernels so shrunk or improperly matured as to be inedible or worthless;

(e) *Rancid*. Kernels which have a decomposed appearance or a rancid taste.

(d) *Minimum standards*. The specifications for (1) Baby Size, (2) Third Quality Grade with respect to internal or kernel quality, and (3) External Appearance and Condition, applicable to Second and Third Quality Grades, as herein prescribed including respective



tolerances, shall be the minimum standards of quality and maturity prescribed pursuant to § 984.3 of the marketing agreement and order (13 F. R. 4344)

§ 984.102 *Certification of merchantable walnuts*—(a) *Information to be contained in certificates for shipment.* Every certificate issued for each lot of merchantable walnuts handled or to be handled for shipment, shall contain, in addition to the information required by § 984.3 (b) of Order No. 84, regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Crop year of production of each lot; if shipment is made by rail the car number; if shipment is made by truck the name of the transportation company and on all copies except those submitted to the Walnut Control Board, the shipping mark or consignee's name.

(b) *Information to be contained in certificates for surplus.* Every certificate issued for each lot of surplus walnuts shall contain in addition to the information required by § 984.3 (b) of Order No. 84 regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Handler's lot number; brand, if any; crop year of production; and the location where the surplus walnuts are withheld and stored.

It is necessary to make effective not later than five days after the publication of this document in the FEDERAL REGISTER, these pack specifications and minimum standards, and information to be contained in certificates, with respect to merchantable unshelled walnuts. The shipping season for such walnuts normally begins during the latter part of September of each year, and it is necessary to have regulations of this nature in effect as near the beginning of such shipping season as is practicable.

Therefore, any delay beyond five days after the publication of this document in the FEDERAL REGISTER in the effective date of these regulatory requirements will be impracticable, unnecessary, and contrary to the public interest. (See section 4 (c) of the Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237.)

These regulatory requirements shall become effective at 12:01 a. m., P. s. t., on the 5th day after the publication of this document in the FEDERAL REGISTER.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, Pub. Laws 132, 305, 80th Cong.; 61 Stat. 208, 707; 7 U. S. C. and Sup. 601 et seq.)

Issued this 5th day of October 1948.

WALNUT CONTROL BOARD,  
[SEAL] W. E. GOODSPEED,  
Secretary-Manager.

Approved: October 14, 1948.

A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 48-9218; Filed, Oct. 19, 1948;  
8:48 a. m.]

No. 205—2

## TITLE 10—ARMY

### Chapter VIII—Supplies and Equipment

#### PART 804—NEGOTIATED PURCHASES

##### LIMITATION ON COMPENSATION

Section 804.105-7 is rescinded and the following substituted therefor:

§ 804.105-7 *Limitation on compensation.* Where each such contract described in § 804.105-4 is with an individual, it will expressly limit the compensation payable to him to not more than \$50 per day, plus travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from his home or place of business to official duty station and return. (Proc. Cir. 31, 1948) (Dec., Comp. Gen., B-77331, June 24, 1948; sec. 1 (a) and (b) 54 Stat. 712, 55 Stat. 838; 41 U. S. C. prec. sec. 1 note, 50 U. S. C. App. 601-622; E. O. 9001, Dec. 27, 1941, 3 CFR, Cum. Supp.)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 48-9220; Filed, Oct. 19, 1948;  
8:55 a. m.]

## TITLE 23—HIGHWAYS

### Chapter I—Public Roads Administration, Federal Works Agency

#### PART 51—PROGRAMS AND ORGANIZATION

##### AMENDMENT TO REGULATION AND DISCONTINUANCE OF CODIFICATION

CROSS REFERENCE: The codification of this part is hereby discontinued. Sections 51.1, 51.11 and 51.12 are redesignated sections 1, 2 and 3. Future amendments to the statement of programs and organization of the administration will be published in the Notices section of the FEDERAL REGISTER.

For an amendment to the Programs and Organization, see Public Roads Administration, Federal Security Administration, in the Notices section, *infra*.

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

#### Subchapter A—Bureau of Accounts

[1948 Dept. Cir. 838]

#### PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

TERMINATION OF AUTHORITY OF FIREMAN'S FUND INSURANCE CO., SAN FRANCISCO, CALIF., AS REINSURING COMPANY ONLY ON FEDERAL BONDS

OCTOBER 14, 1948.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to the Fireman's Fund Insurance Company, San Francisco, California, under the provisions of the act of Congress approved August 13, 1894 (28 Stat. 279-80), as amended by the

act of March 23, 1910, (36 Stat. 241) (6 U. S. C., sec. 6-13) to qualify as a reinsuring company only on recognizances, stipulations, bonds and all other undertakings permitted or required by the laws of the United States to be given with one or more sureties, terminates on this date.

The Fireman's Fund Insurance Company received its initial authority from the Secretary of the Treasury on April 21, 1948, which certificate of authority was revoked on September 17, 1948, and a new certificate of authority was issued by the Secretary of the Treasury on that date to the Fireman's Fund Insurance Company, San Francisco, California, to qualify as a reinsuring company only on bonds and other obligations executed in favor of the United States.

The company has stated that it had reinsured in part a few bonds running in favor of the United States written by the Fireman's Fund Indemnity Company, but that such reinsurance is being canceled as of their effective dates with the liability being retained by the Fireman's Fund Indemnity Company or reinsured with some other surety holding a certificate of authority from the Secretary of the Treasury. It has also stated that none of the reinsurance on bonds accepted by the Fireman's Fund Insurance Company from the Fireman's Fund Indemnity Company were in excess of the underwriting limitation established by the Treasury for the Fireman's Fund Indemnity Company.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by deleting from the list set forth therein under the sub-heading *Companies authorized to do a reinsurance business only* "Fireman's Fund Insurance Company, San Francisco, California"

(28 Stat. 279, 280, 36 Stat. 241; 6 U. S. C. 6-13)

[SEAL] JOHN S. GRAHAM,  
Acting Secretary of the Treasury.

[F. R. Doc. 48-9227; Filed, Oct. 19, 1948;  
8:55 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[S. O. 829]

#### PART 95—CAR SERVICE

##### CHRISTMAS TREES IN OPEN TOP CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of October A. D. 1948.

It appearing, that there is a shortage of box cars and certain tariffs require that Christmas trees be shipped in box cars only, thus aggravating the shortage of such cars; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action: It is ordered, that:

§ 95.829 *Christmas trees in open top cars.* (a) Any common carrier by railroad subject to the Interstate Commerce Act may, at its option furnish open top cars for loading with Christmas trees and transport such cars so loaded.

(b) *Tariff provisions suspended, announcement required.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this section is hereby suspended, and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 23, 1948.

(d) *Expiration date.* This section shall expire at 11:59 p. m., January 10, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-9210; Filed, Oct. 19, 1948;  
8:47 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter A—Hunting and Possession of Wildlife

#### PART 8—PROCLAMATIONS DESIGNATING AREAS CLOSED TO HUNTING

##### MASSACHUSETTS

CROSS REFERENCE: For an addition to the tabulation contained in § 8.1, see Proclamation 2817 under Title 3, *supra*, designating as closed area certain tidal waters in the vicinity of Parker River National Wildlife Refuge, Massachusetts.

#### Subchapter C—National Wildlife Refuges; Individual Regulations

#### PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

##### BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE, GEORGIA, HUNTING

*Basis and purpose.* On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that the population of deer on the Blackbeard Island National Wildlife Refuge is in excess of the available habitat for such animals and that the necessary reduction in the population can best be accomplished by a bow and arrow hunt.

§ 27.79 *Blackbeard Island National Wildlife Refuge, Georgia; hunting.* During the open season for the hunting of deer, as prescribed by the Georgia Game and Fish Commission, deer and raccoon may be taken by means of bow

and arrow only on all of the lands of the Blackbeard Island National Wildlife Refuge, Georgia, except for the area in the immediate vicinity of the headquarters of the Refuge and in the immediate vicinity of State deer trapping sites as posted by the refuge manager.

(a) *Entry.* Entry on and use of the Refuge for any purpose are covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940, (50 CFR, Cum. Supp., Part 12) as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting. In addition all hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses may be required by such laws and regulations, which license shall serve as a Federal permit for hunting deer and raccoon on the Refuge. The use or possession of firearms on the Refuge of any description is prohibited.

(b) *Dogs.* Each person hunting deer on the Refuge may be permitted to take one hunting dog on the Refuge for the purpose of trailing wounded deer provided that such dog shall at all times be on a leash and shall not be permitted to range at will on the Refuge.

(Sec. 10, 45 Stat. 1222; sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 7151; 18 U. S. C. 145; Reorg. Plan No. II of 1939, 4 F. R. 2731, 3 CFR Cum. Supp., Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, 10 F. R. 4267)

Dated: October 14, 1948.

O. H. JOHNSON,  
Acting Director

[F. R. Doc. 48-9194; Filed, Oct. 19, 1948;  
8:46 a. m.]

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

#### [47 CFR, Part 31]

[Docket Nos. 8736, 8975, 9175]

#### TELEVISION ALLOCATION

#### NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8975 and 8736; in the matter of amendment of the Commission's rules, regulations and standards concerning the television and frequency modulation broadcasting services, Docket No. 9175.

I. Notice is hereby given of further proposed rule making in the above-entitled matter.

II. During the hearing held by the Commission in the above-entitled proceeding (Docket Nos. 8975 and 8736) to consider proposed revisions of the Commission's table of television channel allocations, evidence was presented concerning (A) tropospheric interference to

existing and proposed television stations, (B) the use of directional antennas, (C) the use of increased power, and (D) conflicting proposals for closer spacing and wider spacing between television stations than is presently provided for by the Commission. In order to assure that the Commission's national television allocation plan should be based on the soundest engineering foundation, an Industry-Commission Conference was held on September 13 and 14, 1948. The issues for decision at the Conference were:

1. Whether the Commission should initiate proceedings to revise the television allocation rules and standards prior to final decision in Dockets 8975 and 8736.

2. If the standards are to be revised, what policy should be adopted with respect to applications now pending before the Commission.

3. What procedures should be adopted in order that the revised standards can be based on the best available engineering information.

III. At the conclusion of said Conference it was announced that the Commission would call an engineering conference to consider questions regarding revisions of the Commission's rules, regulations and standards with respect to the technical phases of television allocations. This notice deals with issues "1" and "3" set forth above. On September 30, 1948, the Commission issued its Report and Order herein concerning issue number "2". Further, since the Frequency Modulation Broadcasting Service is directly affected by any action taken with respect to propagation in the VHF band, revisions of the rules, regulations and standards of that service are made a part of this proceeding.

IV. In order to facilitate and expedite the promulgation of rules, regulations and standards herein, the following schedule will be followed:

(A) On or about October 20, 1948, the Commission will make public:

(1) A report containing (a) a summary of available measurements of tropospheric fields, (b) empirical method

of treating measurements to formulate field intensity vs. distance curves for various frequencies for various percentages of the time and (c) representative tropospheric field intensity curves for antenna heights of 500 feet and 30 feet for various frequencies and percentages of time derived by the foregoing method.

(2) A study of the effects on service of the simultaneous fading of both the desired and undesired fields from tropospheric causes.

(3) A report on measurements made at Princeton, Southampton and Laurel on frequencies of 47.1, 106.5 and 700 Mc. radiated from transmitters in New York City.

(4) A study of the effects of terrain upon average signal levels as compared to smooth earth values and upon the variability of signal levels within limited areas.

(B) On or about November 15, 1948, the Commission will make public:

(1) A TV channel study showing the effects of ground wave and tropospheric interference on representative service areas of stations allocated in accordance with the Commission's notice herein of May 5, 1948, as amended in the Commission's Supplemental Notice of July 15, 1948.

(2) A TV channel study in a representative area showing the effects of ground wave and tropospheric interference on the service areas of presently operating stations and CP's, but with other allocations spaced so as to protect the 500 u/m contours 90% of the time. (All allocations to be based on 50 kw/500 ft. in the center of the principal city)

(3) Channel study for FM showing the effects of ground wave and of tropospheric interference for 1% and 10% of the time on representative channels.

(C) On or about November 30, 1948, December 1, 1948, and December 2, 1948, the Commission will hold a series of engineering conferences in Washington, D. C.<sup>1</sup> All interested persons are invited to attend said conferences, participate fully therein, and to submit written data, views, or arguments with respect thereto. To assist the Commission in the expeditious conduct of said conferences, it is requested that persons who plan to participate therein file (by letter) notice of their intention to do so at least one week prior to the date of commencement of said conferences. Written statements may be filed on or before the dates of the respective conferences.

(D) The first conference to be held on or about November 30, 1948, will be on VHF propagation standards to arrive at standard methods of evaluating the effects upon propagation of the following factors:

(1) Tropospheric effects:

(a) Variations with time in the field intensities to be expected at various dis-

tances from the transmitter, as functions of transmitting antenna height and of frequency.

(b) Range of diurnal variations.

(c) Range of seasonal variations.

(d) Effects on service of the simultaneous fading of both the desired and undesired signals.

(2) Terrain effects:

(a) Shadows—relation of the average field intensity in a limited area or limited section of a radial to calculated values as a function of the profile between the area and the transmitter.

(b) Urban field intensities—validity of the FCC standards on Ground Wave Signal Range charts for predicting near-in fields in city areas.

(c) Local terrain effects—variability of field intensities as compared to the average over a limited area or distance.

(d) Receiving antenna height—gain factor—validity of assuming a uniform variation of field intensity with receiving antenna height for relating mobile measurements made at low antenna height to the standard receiving antenna height of 30 feet. Consideration of the alternative method of spot measurements at 30 feet height.

(e) Apparent transmitting antenna height—validity of the 2-10 mile rule for estimating the apparent height of the transmitting antenna.

(f) Validity of the method presently prescribed in the Commission's Standards for equalizing coverage obtained by transmitters of varying antenna heights and power.

(3) Antennas:—

(a) Practical limitations on vertical and horizontal directivity of transmitting antennas.

(b) Methods for establishing and maintaining the performance of directional antennas.

(c) The engineering basis for utilizing horizontal directivity in allocation problems.

(E) The second conference to be held on or about December 1, 1948, will consider the following items with respect to VHF television broadcasting:

(1) Tropospheric effects:

(a) Specification of grade or grades of service resulting from variations in the intensities of desired and undesired fields.

(b) Discussions of the effects of the specification of various grades of service on particular channel allocation plans.

(c) The development of standard tropospheric curves for various frequencies and antenna heights, calculated in accordance with methods approved at the propagation conference.

(2) Examination of current standards for the prediction of service areas to determine whether any modifications are dictated by the terrain effects considered in the propagation conference.

(3) Reexamination of cochannel and adjacent channel ratios at the receiver terminals in the light of more recent in-

formation; and a determination whether a terrain factor should be included in the field intensity ratios.

(4) Reexamination of the contours specified for protection and for recognized service levels at various frequencies.

(5) Reexamination of assumptions as to typical receiving antenna heights for urban and rural areas and of methods of proving station performance by measurement of received fields at such heights.

(6) Examination of the effects of horizontal increases in power upon protected contours in the channel allocation plans.

(7) Examination of the effects of differential increases in power on the protected contours and on the allocation plans.

(8) Examination of the effects of directional antennas on allocation plans.

(F) The third conference to be held on or about December 2, 1948, will consider the following items with respect to FM broadcasting:

(1) Tropospheric effects:

(a) Specification of grade or grades of service resulting from variations in the intensities of desired and undesired fields.

(b) Study of the areas provided with various grades of service under the present channel assignments and under the tentative allocation plan.

(c) The development of standard tropospheric curves for various antenna heights, calculated in accordance with methods approved at the propagation conference.

(2) Examination of current standards for the prediction of service areas to determine whether any modifications are dictated by the terrain effects considered in the propagation conference.

(3) Reexamination of assumptions as to typical receiving antenna heights for urban and rural areas and of methods of proving station performance by measurement of received fields at such heights.

V. Authority to issue amendments of the Commission's rules, regulations and standards with respect to the matters to be discussed at the conferences listed above is vested in the Commission by sections 301, 303 (b) (c) (d) (f) (h) and (r) and 4 (i) of the Communications Act of 1934, as amended.

VI. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all written data, views, or arguments filed shall be furnished the Commission.

Adopted: October 14, 1948.

Released: October 15, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-9257; Filed, Oct. 19, 1948;  
10:35 a. m.]

<sup>1</sup> The exact date and place of each conference will be announced at a later date.

## NOTICES

## DEPARTMENT OF THE TREASURY

## Bureau of Customs

(T. D. 52066)

## "No CONSUL" LIST

## ADDITIONS TO LIST

OCTOBER 14, 1948.

In accordance with a recommendation from the Department of State, Bequia, Cannouan, Carriacou, Grenadines, Mayreau, Mustique, St. Vincent, and Union, Windward Islands, British West Indies, are hereby added to the "No consul" list (1947) T. D. 51797, as amended.

The "No consul" list published as T. D. 51797, is hereby amended to show the location of Acklin Islands as Bahamas instead of British West Indies.

Consular invoices covering merchandise from the above-named places will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL]

W R. JOHNSON,  
Deputy Commissioner

[F. R. Doc. 48-9228; Filed, Oct. 19, 1948;  
8:55 a. m.]

NATIONAL MILITARY  
ESTABLISHMENT

## Secretary of Defense

[Transfer Order 24]

ORDER TRANSFERRING FROM DEPARTMENT  
OF THE ARMY TO DEPARTMENT OF THE  
AIR FORCE CERTAIN FUNCTIONS RELAT-  
ING TO SOLDIERS' DEPOSITS, ALLOT-  
MENTS OF PAY, LIFE INSURANCE AND  
MATTERS INCIDENT THERETO

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Pub. Law 253, 80th Cong.), and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to soldiers' deposits, allotments of pay, life insurance and matters incident thereto, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive orders, as limited by other laws, parts of laws and Executive orders whether or not specifically set forth herein:

a. Act of June 3, 1941, c. 165, sec. 5 (55 Stat. 240) as amended by the act of July 8, 1942, c. 493, sec. 7 (56 Stat. 650; 10 U. S. C. 308a)

b. Act of June 5, 1942, c. 331 (56 Stat. 310; 10 U. S. C. 1151)

c. Act of October 8, 1940, c. 757, sec. 602 (m) Title VI, part 1 (54 Stat. 1009), as amended by the act of August 1, 1946,

c. 728, sec. 6 (60 Stat. 784; 38 U. S. C. 802 (m))

d. Act of June 7, 1924, c. 320, sec. 300 (43 Stat. 624) as amended by the act of March 4, 1925, c. 553, sec. 12, (43 Stat. 1308) and the act of July 2, 1926, c. 723, sec. 14 (44 Stat. 798), and the act of May 29, 1928, c. 875, sec. 13 (45 Stat. 967), and the act of July 3, 1930, c. 863, sec. 1 (46 Stat. 1016; 38 U. S. C. 511)

e. Act of March 2, 1899, c. 352, sec. 16 (30 Stat. 981) as amended by the act of March 2, 1901, c. 803 (31 Stat. 896), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of October 6, 1917, c. 81 (40 Stat. 384) and as amended by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766) and the act of May 16, 1938, c. 219 (52 Stat. 354 10 U. S. C. 894)

f. Act of March 7, 1942, c. 166, sec. 1 (b) 2, 9, 10 (56 Stat. 143-145) as amended by the act of July 1, 1944, c. 371, sec. 1, 2, 5, 6 (58 Stat. 679-681, 50 App. U. S. C. Supp. V 1001 (b), 1002, 1009, 1010)

g. Act of March 7, 1942, c. 166, sec. 4, (56 Stat. 144) as amended by the act of December 24, 1942, c. 828, sec. 1 (56 Stat. 1092) and the act of July 1, 1944, c. 371, sec. 4 (58 Stat. 680; 50 App. U. S. C. Supp. V, 1004)

h. Act of March 7, 1942, c. 166, sec. 5 (56 Stat. 145) as amended by the act of December 24, 1942, c. 828, sec. 1 (56 Stat. 1092; 50 App. U. S. C. Supp. V 1005)

i. Act of March 7, 1942, c. 166, sec. 7 (56 Stat. 145; 50 App. U. S. C. Supp. V, 1007)

j. Act of May 15, 1872, c. 161, sec. 1 (17 Stat. 117; R. S. 1305) as amended by the act of June 12, 1906, c. 3078 (34 Stat. 246) and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766) as amended by the act of December 18, 1942, c. 765, sec. 1 (56 Stat. 1057; 10 U. S. C. 906)

k. Act of May 15, 1872, c. 161, sec. 2 (17 Stat. 117; R. S. 1306) as amended by the act of March 3, 1883, c. 93, sec. 1 (22 Stat. 456) and the act of December 18, 1942, c. 765, sec. 2 (56 Stat. 1058; 10 U. S. C. 907)

l. Act of May 15, 1872, c. 161, sec. 4 (17 Stat. 117-10 U. S. C. 908)

m. All other laws, parts of laws, including applicable provisions of appropriations acts, and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to soldiers' deposits, allotments of pay, life insurance and matters incident thereto, insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installa-

tions, agencies, activities and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective as of 12:00 Noon, October 11, 1948.

JAMES FORRESTAL,  
Secretary of Defense.

OCTOBER 11, 1948.

[F. R. Doc. 48-9232; Filed, Oct. 19, 1948;  
8:56 a. m.]

## DEPARTMENT OF COMMERCE

## Office of International Trade

[Case 37]

AMERICAN HELLENIC CORP. ET AL.

## ORDER DENYING LICENSE PRIVILEGES

In the matter of American Hellenic Corporation, T. E. Kazantzis, and Peter Pelonis.

This proceeding was instituted on August 5, 1948 by the transmission of a charging letter to the above named respondents, wherein the Office of International Trade charged respondents with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, by filing, on or about April 27, 1948, an application, to which No. 1224239 was assigned, for a license to export gift parcels of wheat flour on behalf of 5,603 donors to specific donees in Greece, which application was false and fraudulent in that, contrary to the representations made therein by respondents, the list of donors submitted as a part thereof was false and misleading in material respects, and was knowingly and wilfully submitted as such by respondents.

Pursuant to notice given by the charging letter, a hearing on the charges was held before the Compliance Commissioner of the Office of International Trade on August 25, 1948, in the office of the Department of Commerce Field Service, 60th floor, Empire State Building, New York, New York, and, upon proper continuance, a further hearing was held thereon on September 17, 1948, in Washington, D. C. Respondents were represented by counsel, as was the Office of International Trade, and the Compliance Commissioner, after receiving the evidence presented and after due consideration of the record, on October 12, 1948, filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that respondent American Hellenic Corporation is a New York corporation having its principal place of business at 17 Battery Place, New York, New York; that said respondent corporation was at all

times relevant to this proceeding engaged in the business of making multiple gift shipments of flour and other food parcels, for which export licenses are required, on behalf of donors in the United States to donees in Greece; that respondent Theodore E. Kazantzis is, and at all times relevant to this proceeding was, the president of the corporate respondent, in active control of its affairs and responsible for its acts; but that the relation of respondent Peter Pelonis to the other respondents and his participation in and responsibility for their acts were not established in this proceeding.

It further appears from the record and from the report of the Compliance Commissioner that, under date of April 27, 1948, respondent corporation submitted to the Office of International Trade its application, to which No. 1224239 was assigned, for a license to export gift parcels of wheat flour on behalf of 5,434 (rather than 5,603) named donors to named donees in Greece; that said respondent corporation thereby represented to the Office of International Trade that it then held orders from each of said donors for the purchase of one or more gift parcels of flour for shipment to one or more of said donees; and that such representation was made for the purpose of securing a license for the export of such gift parcels to Greece.

The record discloses and the Compliance Commissioner has found as a fact that the export license application was false and fraudulent, and when submitted was known by respondent corporation and its president to be so, and constituted an intentional and planned misrepresentation by said two respondents for the purpose of securing an export license to which respondent corporation would not otherwise have been entitled, in that there were listed as donors in such application a substantial number of persons with whom respondent corporation did not, on the date said application was submitted, hold orders for the shipment of gift parcels of wheat flour to the named donees in Greece; that said list of donors was made up by respondent corporation from old invoices and order books which did not represent current orders but against which shipment had in many cases already been made or had been previously licensed for export; that such falsification of said list of donors has not only been admitted under oath but has been expressly condoned by respondent Theodore E. Kazantzis and that he has thus manifested his indifference toward and disregard for compliance with export control regulations; and that submission of such false list of donors constituted a violation of section 6 of the act of July 2, 1940 (54 Stat. 714) as amended, and the regulations promulgated thereunder, and demonstrated the unreliability of representations which might be made by said respondents in any future applications for export licenses.

The Compliance Commissioner has accordingly recommended that this proceeding be dismissed as to respondent Peter Pelonis but that respondents American Hellenic Corporation and Theodore E. Kazantzis be denied the

privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for the duration of export control, and, further, that such denial be made applicable not only to said respondent individually but also to any other business organization with respect to which either of them may hold a position of control or responsibility.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in this matter and it appears that such findings are supported by the record and that such recommendations should be adopted. Now, therefore, *It is ordered as follows:*

(1) This proceeding is hereby dismissed as to respondent Peter Pelonis.

(2) Respondents American Hellenic Corporation and Theodore E. Kazantzis are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for such time and to such extent as licenses for exports are required by law.

(3) Such denial of export license privileges shall extend not only to said respondents individually but also to any affiliate or successor of the respondent corporation and to any firm, corporation, or other business organization in which respondent Theodore E. Kazantzis shall have a controlling interest or with which he shall hold a position of responsibility.

Dated: October 14, 1948.

JOHN W. EVANS,  
Director Commodities Division.

[F. R. Doc. 48-9225; Filed, Oct. 19, 1948; 8:55 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-123]

PENNSYLVANIA PUBLIC UTILITY COMMISSION AND PITTSBURGH AND WEST VIRGINIA GAS CO.

### NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF COMPLAINT

OCTOBER 15, 1948.

Pennsylvania Public Utility Commission, complainant v. Pittsburgh and West Virginia Gas Company, a corporation, defendant, Docket No. G-128.

Notice is hereby given that, on October 13, 1948, the Federal Power Commission issued its order entered October 12, 1948, consenting to withdrawal of complaint in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-9220; Filed, Oct. 19, 1948; 8:48 a. m.]

[Docket No. G-1030]

DELHI OIL CORP.

### NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION AND DECLARATORY ORDER

OCTOBER 15, 1948.

Notice is hereby given that, on October 14, 1948, the Federal Power Com-

mission issued its finding entered October 13, 1948, upon application for status determination and declaratory order in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-9221; Filed, Oct. 19, 1948; 8:48 a. m.]

[Docket No. G-1033]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

### ORDER FIXING DATE OF HEARING

OCTOBER 13, 1948.

Upon consideration of the application filed August 6, 1948, by Kansas-Nebraska Natural Gas Company (Applicant) a Kansas Corporation with its principal place of business at Phillipsburg, Kansas for a certificate pursuant to section 7 of the Natural Gas Act, as amended, authorizing the abandonment of service and removal of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4840-4841)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 27, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-9204; Filed, Oct. 19, 1948; 8:46 a. m.]



## NOTICES

[Docket No. G-1119]

CENTRAL KENTUCKY NATURAL GAS CO.  
ORDER FIXING DATE OF HEARING

OCTOBER 13, 1948.

Upon consideration of the application filed September 7, 1948, by Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 8, 1948 (13 F. R. 5889)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1948, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 48-9205; Filed, Oct. 19, 1948;  
8:46 a. m.]

[Docket No. G-1123]

## TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER ISSUING  
CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY

OCTOBER 15, 1948.

Notice is hereby given that, on October 14, 1948, the Federal Power Commission

issued its findings and order entered October 13, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 48-9222; Filed, Oct. 19, 1948;  
8:48 a. m.]

[Docket No. G-1139]

## SOUTHERN NATURAL GAS CO.

## NOTICE OF APPLICATION

OCTOBER 13, 1948.

Notice is hereby given that on October 8, 1948, Southern Natural Gas Company (Applicant) a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural-gas transmission facilities:

(a) A main line loop pipe line, 24 inches in diameter, commencing at mile post 352.478 on Applicant's main line (i. e., the Eastern terminus of the loop line known as the Pell City, Alabama, loop) and extending eastwardly 5.3 miles to mile post 357.8 near Lincoln, Alabama, including a submarine crossing consisting of three lines 12¾-inches in diameter and approximately 1,260 feet in length under the Coosa River.

(b) A main line loop pipe line, 24 inches in diameter, commencing at mile post 401.898 on Applicant's main line (i. e., the Eastern terminus of the loop line known as the Heflin, Alabama, loop extension) and extending eastwardly 2.9 miles to mile post 404.798 in Cleburne County, Alabama.

(c) A branch line loop pipe line, 12 inches in diameter, commencing at a point near Applicant's McConnell's compressor station on Applicant's Montgomery branch line and extending approximately 9 miles southwardly along said branch line.

Applicant proposes, by means of the facilities described in (a) and (b) above, to increase the capacity of that portion of its system between Birmingham, Alabama, and Atlanta, Georgia, thereby providing greater flexibility in Applicant's ability to meet different load patterns, and increasing its system delivery capacity for the future upon the subsequent construction of additional facilities between Birmingham, Alabama, and Applicant's sources of supply. The application states that construction of said facilities will not, of itself, presently increase Applicant's general system delivery capacity. Applicant proposes, by means of the facilities described in (c) above, to increase the delivery capacity of its Montgomery branch line by approximately 3,500 Mcf daily in order to provide capacity needed in the immediate future on that line.

The estimated total overall capital cost of the facilities stated in the application

is \$865,160, which will be financed from Applicant's current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947)

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 48-9206; Filed, Oct. 19, 1948;  
8:46 a. m.]

[Docket No. G-1142]

## UNITED GAS PIPE LINE CO.

## ORDER INSTITUTING RATE INVESTIGATION

OCTOBER 12, 1948.

It appearing to the Commission that:

(a) United Gas Pipe Line Company (United Gas) owns and operates a natural-gas transmission pipeline system located in the States of Texas, Mississippi, Louisiana, Alabama, and Florida, and by such operations Applicant is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of November 10, 1942, in Docket No. G-232 (3 FPC 863)

(b) On the basis of data available to the Commission, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by United Gas Pipe Line Company may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by United Gas Pipe Line Company, for or in connection with the transportation or sale of natural gas subject to the

jurisdiction of the Commission, and any rule, regulation, practice, or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that: An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged or collected by United Gas Pipe Line Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, nondiscriminatory or nonpreferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: October 13, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-9219; Filed, Oct. 19, 1948;  
8:48 a. m.]

[Project No. 1162]

NORTHWESTERN HERRING CO. AND OCEANIC  
FISHERIES CO., INC.

NOTICE OF ORDER APPROVING TRANSFER OF  
LICENSE (MINOR)

OCTOBER 15, 1948.

Notice is hereby given that, on October 14, 1948, the Federal Power Commission issued its order entered October 12, 1948, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-9223; Filed, Oct. 19, 1948;  
8:49 a. m.]

## FEDERAL WORKS AGENCY

### Public Roads Administration

#### PROGRAMS AND ORGANIZATIONS

#### AMENDMENT TO REGULATION AND DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: The codification of Part 51 of Title 23, Chapter I, is hereby discontinued. Sections 51.1, 51.11 and 51.12 are redesignated sections 1, 2 and 3. Future amendments to the statement of programs and organization of the administration will be published in the Notices section of the FEDERAL REGISTER.

Section 3 (b) (11 F. R. 177A-580) is revised to read as follows:

### (b) Division offices.

Division No.	Division office address	States included in division
1	Room 718, Standard Bldg., 112 State St., Albany 7, N. Y.	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.
2	2023 Tempo Bldg. 2, Washington 25, D. C.	Delaware, Maryland, Ohio, Pennsylvania, District of Columbia, Virginia, and West Virginia.
3	504 Atlanta National Bldg., 49 Whitehall St., Atlanta 3, Ga.	Alabama, Florida, Georgia, Mississippi, Tennessee, North Carolina, and South Carolina.
4	South Chicago Post Office, 2533 East 921 St., Chicago 17, Ill.	Illinois, Indiana, Kentucky, and Michigan.
5-N	1109 Main Post Office Bldg., St. Paul 1, Minn.	North Dakota, South Dakota, Minnesota, and Wisconsin.
5-S	1639 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	Iowa, Kansas, Missouri, and Nebraska.
6	502 U. S. Courthouse, Fort Worth 2, Tex.	Arkansas, Louisiana, Oklahoma, and Texas.
7	729 Phelps Bldg., San Francisco 2, Calif.	Arizona, California, Nevada, and Hawaii.
8	208 Broadway-Oak Bldg., 623 Southwest Oak St., Portland 8, Ore.	Montana, Oregon, Idaho, and Washington.
9	234 New Customhouse, Denver 2, Colo.	Colorado, New Mexico, Wyoming, and Utah.
10	Federal and Territorial Bldg., Juneau, Alaska.	Alaska.

[SEAL] J. W. FOLLRY,  
Acting Federal Works Administrator.

[F. R. Doc. 48-9224; Filed, Oct. 19, 1948;  
8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1363]

### NORTH AMERICAN CO.

#### SUPPLEMENTAL ORDER AUTHORIZING SALE OF PACIFIC COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October 1948.

The Commission having issued an order on April 14, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act") in proceedings concerning The North American Company ("North American") a registered holding company and its subsidiary companies, File No. 59-10, which requires, among other things, that North American sever its relationship with Pacific Gas and Electric Company ("Pacific") in any appropriate manner not in contravention of the provisions of the act, and the rules and regulations promulgated thereunder, by disposing or causing the disposition of its direct or indirect ownership, control and holdings of securities issued and properties owned, controlled or operated by Pacific; and

North American having, commencing July 1, 1943, and continuing through April 1, 1947, distributed to its stockholders an aggregate of 1,166,428 shares of Pacific Common Stock; and having, in

1945, sold 700,000 shares of such stock; and proposing to make, on November 1, 1948, a further disposition to its stockholders of approximately 91,667 shares of such stock and further proposing to sell such of said 91,667 shares as are not required for such disposition, pursuant to an order of this Commission dated September 3, 1948 (File No. 70-1915) and

North American having notified the Commission, pursuant to Rule U-44 (c) promulgated under said act, that in compliance with the aforementioned order, dated April 14, 1942, it proposes to sell for cash at competitive bidding 75,000 shares of Pacific Common Stock, said shares being exclusive of the 91,667 shares mentioned above, and no filing having been required by the Commission with respect to said sale; and

North American proposing to purchase such shares of Pacific Common Stock as it may deem necessary or appropriate for the purpose of stabilizing the market price of such stock on the day fixed for the opening by North American of bids for the purchase of the said 75,000 shares of such stock, pursuant to an order of this Commission, dated October 5, 1948 (File No. 70-1950) and North American having notified the Commission, pursuant to said Rule U-44 (c) that in compliance with the aforementioned order dated April 14, 1942, it proposes to sell any shares of Pacific Common Stock so purchased as soon as practicable after the consummation of the sale of the said 75,000 shares; and

North American having requested that the Commission issue an order conforming to the requirements of Supplement R and section 1803 (f) of the Internal Revenue Code; and

It appearing appropriate to the Commission that an order, as requested, should issue:

It is ordered and recited and the Commission finds that the proposed sale and transfer by The North American Company of 75,000 shares of Pacific Gas and Electric Company Common Stock (represented by Certificates Nos. NF 217607 to NF 217665, inclusive, NF 363381, NC 150-347 to NC 150497, inclusive, NF 352612 and NF 352504) as heretofore authorized or permitted by the Commission, is necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 48-9203; Filed, Oct. 19, 1948;  
8:47 a. m.]

[File No. 70-1955]

### NEW ORLEANS PUBLIC SERVICE INC.

#### ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its-

office in the city of Washington, D. C., on the 14th day of October A. D. 1948.

New Orleans Public Service Inc. ("New Orleans") a utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 7 thereof and Rule U-50 thereunder, with respect to the following transactions:

New Orleans proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 \$10,000,000 principal amount of its First Mortgage Bonds, ----- % Series, due 1978, to be issued under and secured by the Company's presently existing Mortgage and Deed of Trust, dated as of July 1, 1944, as supplemented by a First Supplemental Indenture to be dated as of October 1, 1948. The application states that the proceeds from the sale of bonds will be used to carry forward the company's construction program and for other corporate purposes.

The application having been filed on September 23, 1948, and an amendment thereto having been filed on October 11, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding that New Orleans is entitled to an exemption from the provisions of section 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) it appearing that the issuance and sale of the proposed securities are solely for the purpose of financing the business of New Orleans as a public utility and that the proposed transactions have been expressly authorized by the Commission Council of the City of New Orleans, the State Commission of the state in which New Orleans is organized and doing business; and the Commission being of the opinion that it is appropriate to grant said application, as amended, without the imposition of terms and conditions other than those hereinafter stated; and the Commission also deeming it appropriate to grant applicant's request that the order herein be effective forthwith upon the issuance thereof:

*It is ordered*, Pursuant to said Rule U-23 and the applicable provisions of said act that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of bonds of New Orleans shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed,

which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transaction.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-9209; Filed, Oct. 19, 1948;  
8:47 a. m.]

[File No. 70-1966]

UNITED CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October 1948.

The United Corporation ("United") a registered holding company, having filed an application-declaration pursuant to sections 10 and 12 (d) of the Public Utility Holding Company Act of 1935 with respect to the acquisition by it of up to 191,985 shares of common stock of The Columbia Gas System, Inc., and up to 50,000 shares of such stock in accordance with an additional subscription privilege, or to sell up to 1,919,856 rights to subscribe, all pursuant to an offer by The Columbia Gas System, Inc., of additional shares of common stock to its common stockholders in accordance with their preemptive rights; and

Said application-declaration having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24 that the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-9207; Filed, Oct. 19, 1948;  
8:47 a. m.]

[File No. 7-1085]

VIRGINIA ELECTRIC AND POWER CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 12th day of October A. D. 1948.

The Washington Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$10 Par Value, of Virginia Electric and Power Company, 7th and Franklin Streets, Richmond 9, Virginia.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Washington Stock Exchange is the District of Columbia, Montgomery and Prince Georges counties in Maryland, and Arlington and Fairfax counties, together with the City of Alexandria in Virginia; that out of a total of 2,955,291 shares outstanding, 64,156 shares are owned by 436 shareholders in the vicinity of the Washington Stock Exchange; and that in the vicinity of the Washington Stock Exchange there were 422 transfers in this security involving 65,923 shares during the period from January 1, 1947 to September 1, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

*Accordingly it is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Washington Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, \$10 Par Value, of Virginia Electric and Power Company be, and the same is, hereby granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-9165; Filed, Oct. 18, 1948;  
8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 936; 50 U. S. C. and Supp. App. 1, 610, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12096]

EL AMIGO CO.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That El Amigo Co., whose principal place of business is 611 West Main Street, Santa Maria, California, is a sole proprietorship, owned by Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, and is a business enterprise within the United States;

2. That Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

and it is hereby determined:

3. That El Amigo Co. is controlled by Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, or is acting for or on behalf of a designated enemy country (Japan) or a person within such country and is a national of a designated enemy country (Japan)

4. That to the extent that El Amigo Co. and Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States all right, title and interest of Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, in and to El Amigo Co., a sole proprietorship, and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to the El Amigo Co., to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of said business enterprise, and of all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise, is hereby undertaken to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national" "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-9229; Filed, Oct. 19, 1948; 8:56 a. m.]

[Vesting Order 12188]

BARON FRIEDRICH CARL OPPENHEIM

In re: Property owned by Baron Friedrich Carl Oppenheim, also known as Friedrich Carl Oppenheim. F-28-2669-F-I.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Baron Friedrich Carl Oppenheim, also known as Friedrich Carl Oppenheim, whose last known address is Cologne, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: All rights and interest of Baron Friedrich Carl Oppenheim, also known as Friedrich Carl Oppenheim, in and to the contents of a safe deposit box, including particularly but not limited to a certain package of jewelry, said safe deposit box maintained with the National City Safe Deposit Company, 52 Wall Street, New York, New York, numbered 72 and leased in the names of E. F. Regan and Wilbert Ward,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Baron Friedrich Carl Oppenheim, also known as Friedrich Carl Oppenheim, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-9230; Filed, Oct. 19, 1948; 8:56 a. m.]

[Vesting Order 12143]

LILLIE WEHRLE

In re: Trust under the will of Lillie Wehrle, deceased. File No. D-28-6484; E. T. sec. 5175.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Frauenverein Riegel, also known as Frauen Verein von Riegel, the last known address of which is Riegel, Baden, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the person or persons, names unknown, who are the beneficiaries of said Frauenverein Riegel, also known as Frauen Verein von Riegel, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany)

3. That the person or persons, names unknown, having the management of said Frauenverein Riegel, also known as Frauen Verein von Riegel, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany)

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to the trust created under the will of Lillie Wehrle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

5. That such property is in the process of administration by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, as Trustee, acting under the judicial supervision of the Court of Probate for the District of Stamford, Connecticut;

and it is hereby determined:

6. That to the extent that the person identified in subparagraph 1 hereof, the person or persons, names unknown, who are the beneficiaries of the Frauenverein Riegel, also known as Frauen Verein von Riegel, and the person or persons, names unknown, having the management of the Frauenverein Riegel, also known as Frauen Verein von Riegel, Riegel, Baden, Germany, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-9231; Filed, Oct. 19, 1948; 8:56 a. m.]

[Vesting Order 12138]

FRIEDRICH C. SCHIMMEL

In re: Estate of Friedrich C. Schimmel, deceased. File No. D-28-12314, E. T. sec. 16520.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Laessig, Alwine Elsing, Marie Nagel, Lina Gross, Hermann Prager, Lina Wollner, Ernst Doefer, Paul Schimmel, Heinrich Schimmel, Lina Schimmel, Emma Schimmel, Meta Schimmel, Minna Rosemann, Hermann Schimmel, Heinrich Schimmel, Otto Schimmel and Olga Schimmel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Friedrich C. Schimmel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Kurt J. Kremlick, as administrator c. t. a. d. b. n., acting under the judicial supervision of the Probate Court for the County of Wayne, Detroit, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-9200; Filed, Oct. 18, 1948; 9:02 a. m.]

[Vesting Order 12160]

FRANZ GAMMERSBACH

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased. F-28-7576-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows: a. Sixty (60) shares of no par value common capital stock of International Nickel Company of Canada, Ltd., Copper Cliff, Ontario, Canada, a corporation organized under the laws of the Dominion of Canada, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Franz Gammersbach, together with all declared and unpaid dividends thereon,

b. Fifteen (15) shares of no par value common capital stock of Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin, a corporation organized under the laws of the State of Delaware, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Franz Gammersbach, together with all declared and unpaid dividends thereon,

c. Twenty-five (25) shares of no par value common capital stock of Hawaiian Pineapple Company, Ltd., Honolulu, Hawaii, a corporation organized under the laws of the Territory of Hawaii, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Franz Gammersbach, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, de-

ceased, by Schwabacher & Co., 600 Market Street, San Francisco 4, California, in the amount of \$9342, as of September 1, 1948, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-9202; Filed, Oct. 18, 1948; 9:02 a. m.]

[Vesting Order 12136]

RICHARD PRAUSE

In re: Estate of Richard Prause, deceased. File No. D-28-12421, E. T. sec. 16637.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Prause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Richard Prause, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);



3. That such property is in the process of administration by Emilia Winters, as Administratrix, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-9199; Filed, Oct. 18, 1948;  
9:01 a. m.]

[Vesting Order 12155]

ANNA BECK

In re: Debt owing to Anna Beck.  
F-28-25157-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Beck, whose last known address is c/o Frau Anna Gelchsheimer, Murrhardt Kr. Backnang, Germany is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Those certain debts or other obligations of the Superintendent of Banks for the State of Ohio as Liquidator of the Guardian Trust Company, P. O. Box No. 6537, Cleveland, Ohio evidenced by five checks dated and in the amounts as set forth below:

June 1, 1937.....	\$99.80
Nov. 5, 1940.....	24.75
Aug. 11, 1942.....	49.90
Sept. 1, 1944.....	49.90
Aug. 1, 1946.....	24.75

said checks representing the third, fourth, fifth, sixth and seventh dividend payments on claim No. 7-160-Savings Account No. 59117, against the aforesaid the Guardian Trust Company and presently in the custody of the Superintendent of Banks for the State of Ohio, Cleveland, Ohio and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-9201; Filed, Oct. 18, 1948;  
9:02 a. m.]

